

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
v. ) CRIMINAL ACTION NO. 05-30002-MAP  
 )  
FRANK DEPERGOLA and )  
ARMANDO BOTTA, )  
Defendants )

DEFENDANT, FRANK DEPERGOLA'S MOTION TO EXTEND  
TIME TO FILE MEMORANDUM

Now comes the defendant, Frank Depergola, and moves this Honorable Court to extend the time for filing his Memorandum of Law regarding Defendant's Motion to Dismiss Indictments. The defendant requests an extension until September 30, 2005

The Defendant,

Date: 9/22/05

By: 

Michael L. Foy, Esquire  
935 Main Street, Ste 203  
Springfield, MA 01103  
(413) 781-1106  
BBO#176920

CERTIFICATE OF SERVICE

I, Michael L. Foy, do hereby certify that I have on this date served a copy of the foregoing document to Assistant United States Attorney, Ariane D. Vuono, in hand of same to her at the United States District Court, 1550 Main Street, Springfield, MA 01103 and Attorney Lori H. Levinson, Cain, Hibbard, Myers & Cook, by mailing same, postage prepaid to 66 West St., Pittsfield, MA 01201.

Date: 9/22/05

  
Michael L. Foy, Esquire

UNITED STATES DISTRICT COURT  
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ARMANDO BOTTA,	)	
Defendants	)	

AFFIDAVIT OF COUNSEL

I, Michael L. Foy, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank Depergola.
3. I had previously filed a motion to extend time to file a Memorandum of Law regarding Defendant's Motion to Dismiss Indictments, and had requested an extension until September 23, 2005.
4. I recently had to travel to Texas on a personal matter and respectfully request an additional week to file Defendant's Memorandum.
5. I would respectfully request that Defendant, Frank Depergola, be allowed to file his Memorandum on September 20, 2005.

Signed under the pains and penalties of perjury this 22 day of September, 2005.

  
Michael L. Foy, Esquire